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**VIA ECF**

Honorable Valerie E. Caproni,  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, New York 10007

Re: *Herrera, et al. v. Comme Des Garcons, Ltd., et al.*, Case No. 1:21-cv-04929 (VEC)

Your Honor:

The parties to the above-captioned action write jointly pursuant to the memo endorsement dated November 30, 2023 (Docket Doc. No. 99) to notify the Court of their joint request to participate in a settlement conference with Magistrate Judge Cave.

The parties agree that any resolution of the instant matter will result in release of Defendants from all claims – federal and state – and dismissal of all pending litigation with prejudice. In the event the parties are unable to resolve the instant matter at the settlement conference (i) Defendants expressly reserve their right to renew their motion to dismiss and, in fact, intend to do so (Docket Doc. Nos. 74-75); and (ii) Plaintiffs intend to request a merits determination on their collective action certification motion that was previously denied as moot (Docket Doc. Nos. 56-58).

Respectfully submitted,

Davis Wright Tremaine LLP

/s/

Michael Goettig

Cc: Joshua Alexander Bernstein

The Clerk of Court is respectfully directed to **stay** the case pending settlement proceedings before Magistrate Judge Cave. Not later than **one week** after settlement proceedings have concluded, the parties must file a joint status update. The case will be referred to Magistrate Judge Cave for settlement by separate order.

SO ORDERED.

  
12/07/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE